



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

m2

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,267	07/29/2003	Yukihiro Okamura	MM4632	5486

1109 7590 03/29/2007  
ANDERSON, KILL & OLICK, P.C.  
1251 AVENUE OF THE AMERICAS  
NEW YORK,, NY 10020-1182

EXAMINER

JOHNS, ANDREW W

ART UNIT PAPER NUMBER

2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/632,267

Applicant(s)

OKAMURA

Examiner

Andrew W. Johns

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,8,10 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,5,6,9 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/29/03, 7/31/06</u> | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. The drawings are objected to because The numbers, letters or reference characters in Figures 1, 2, 5, 6, 7(b), 11, 12(a), 13 and 15 do not comply with 37 C.F.R. § 1.84(p)(3). Specifically, in Figures 1, 2, 5, 6, 11 and 15, the numbers, letters or reference characters cross or mingle with lines, while in Figures 7(b), 12(a) and 13, the numbers, letters, or reference characters have been placed upon hatched or shaded surfaces, both of which are explicitly excluded in 37 C.F.R. § 1.84(p)(3). Corrected drawing sheets in compliance with 37 C.F.R. § 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 C.F.R. § 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 U.S.C. § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 7-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Koakutsu et al. (US 2003/0068077 A1).

With respect to claims 1 and 7, Koakutsu et al. teaches an image processing apparatus and method for a negotiable instrument (see lines 1-2 in the abstract, for example) comprising scanning an image of a partial area of the negotiable instrument (16 in Figure 7; S101 in figure 11; the provisional scanning captures an image of a portion T of the check, as described in lines 4-7 of paragraph [0062]); evaluating the scanned image of the partial area (S102 in Figure 11; lines 7-15 of paragraph [0062]); selecting a binarization method from one of at least a first and second binarization method based on the evaluation of the scanned image (i.e., the binarization threshold is determined to be one of a plurality of values between a determined minimum threshold and a determined maximum threshold; lines 19-25 in paragraph [0065]); and converting an image of the entire negotiable instrument to binary data by applying the selected binarization method (paragraphs [0063]-[0064]). Furthermore, Koakutsu et al. also teaches that the partial area includes a text area containing magnetic ink characters preprinted to the negotiable instrument and one or more background areas containing a background pattern in at least part thereof (T and T' in Figure 9; paragraph [0076]), as further required by claims 2 and 8; and that selecting the binarization method is based on a density distribution of pixels in the background of characters in the text area and a density distribution of pixels forming the background area (paragraph [0080]), as stipulated by claims 4 and 10.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. § 102(e). This rejection under 35 U.S.C. § 102(e) might be overcome either by a showing under 37 C.F.R. § 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 C.F.R. § 1.131.

***Claim Rejections - 35 U.S.C. § 103***

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. § 103(a) as being obvious over Koakutsu et al.

While Koakutsu et al. teaches a number of the limitations of the claimed invention, as pointed out more fully above, Koakutsu et al. fails to expressly teach a computer-readable data storage medium containing a recorded program for executing the steps of the image processing method, as further stipulated by claim 12. However, Koakutsu et al. does describe the method as implemented on a computer (see paragraphs [0061] and [0066], for example). Because such computers routinely make use of programs stored in computer-readable storage devices, it would have been obvious to one of ordinary skill in the art that the method of Koakutsu et al. could have been similarly implemented by such a recorded program.

*Allowable Subject Matter*

6. Claims 3, 5-6, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

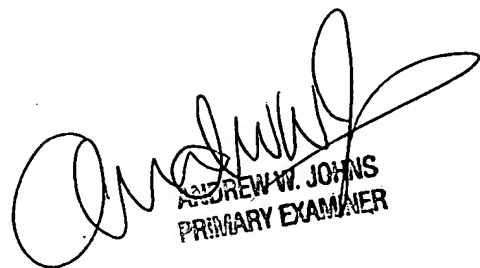
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wesolkowski et al. and Ott et al. '133 each teaches choosing from a plurality of binarization methods to generate binary images of negotiable documents. Bessho et al. teaches using a pre-scan to determine a binarization threshold. Ott et al. '395 binarizes documents by evaluating the edges in the document image.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Johns whose telephone number is (571) 272-7391. The examiner is normally available Monday through Friday, at least during the hours of 9:00 am to 3:00 pm Eastern Time. The examiner may also be contacted by e-mail using the address: andrew.johns@uspto.gov. (Applicant is reminded of the Office policy regarding e-mail communications. See M.P.E.P. § 502.03)

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Matt Bella, can be reached at (571) 272-7778. The fax phone number for this art unit is (571) 273-8300. In order to ensure prompt delivery to the examiner, all unofficial communications should be clearly labeled as "Draft" or "Unofficial."

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center Receptionist whose telephone number is (571) 272-2600.

A. Johns  
26 March 2007



ANDREW W. JOHNS  
PRIMARY EXAMINER